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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/003,822	01/16/87	MASUZAWA K.	1703-021-0

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EXAMINER	
TURNIPSEED, J	
ART UNIT	PAPER NUMBER
129	3

DATE MAILED: 06/16/87

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), ___ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449
4. ☐ Notice of informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-7 are pending in the application.
   Of the above, claims 3-7 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-2 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☒ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Acknowledgment is made of applicant's claim for priority based on an application filed in Japan on January 21, 1986, and September 18, 1986. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119.

The Abstract of the disclosure is objected to as not being in compliance with 37 CFR 1.72(b), i.e. on a separate sheet of paper. Therefore, applicants are required to cancel the Abstract on page 1 of the specification and resubmit it on a separate sheet.

Claims 1-7 are in this case.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-2, drawn to substituted quinoline carboxylic acids, classified in Class 544, subclass 363.

II. Claim 3, drawn to a condensation process, classified in Class 544, subclass 363.

III. Claim 4, drawn to a hydrolysis process, classified in Class 544, subclass 363.

IV. Claim 5, drawn to a decylation process, classified in Class 544, subclass 363.

V. Claims 6-7, drawn to an etherification process, classified in Class 544, subclass 363.

The inventions are distinct, each from the other, because of the following reasons:

Inventions I and II-V are related as process of making and product made.

The inventions are distinct if either (1) the process as claimed can be used to make another and materially different product, or (2) the product as claimed can be made by another and materially different process. MPEP 806.05(f).

In this case, the product as claimed can be made by a materially different process such as is evidenced by the different methods of claims 3-7.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of this recognized divergent subject matter restriction for examination purposes as indicated is proper.

The inventions of Group II-V are distinct from each other since one does not depend on the others for operability.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 of the other invention.

During a telephone conversation with Mr. S. Blech on May 11, 1987, a provisional election was made with

1-2. Affirmation of this election must be made by applicant in responding to this Office action. Claims 3-7 stand withdrawn from further consideration by the examiner as being drawn to a nonelected invention. See 37 CFR 1.142(b).

It is suggested that to advance prosecution, the claims reading on the non-elected invention be cancelled.

Claims 1-2 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite and read on compounds not finding adquate support in the disclosure by the recitation of the term "substituted lower alkyl" since there is no recitation of the intended substituent group(s). Not all substituent groups are adequately supported by the disclosure, or compounds thereof adequately shown to possess the disclosed utility properties.

Claim 2 is a substantial duplicate of claim 1 since there is no recitation in the composition of any ingredients other than the compound(s) of claim 1.

The claims would appear to contain allowable subject matter if the above rejection is over come.

Claims 1-2 are rejected.

Claims 3-7 stand withdrawn.

Any inquiry concerning this communication should be directed to Examiner J. H. Turnipseed at telephone number 703-557-3920.

JHT
JHTurnipseed:ce

6-15-87

GLENNON H. HOLLRAH
SUPERVISORY PATENT EXAMINER
ART UNIT 129